United Nations A/INF/59/5

General Assembly

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Fifty-ninth session

United Nations Administrative Tribunal

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the attached note from the United Nations Administrative Tribunal to the President of the General Assembly.

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Annex

Annual note by the United Nations Administrative Tribunal

1. At its third plenary session, held in Paris on 20 December 1951, the Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with that decision, the following note is submitted in respect of the year 2004.

A. Appointment of members of the Tribunal by the General Assembly

2. At its 69th plenary meeting, on 8 December 2004, the General Assembly, on the recommendation of the Fifth Committee (see A/59/585), reappointed Spyridon Flogaitis and Brigitte Stern and appointed Goh Joon Seng as a member of the United Nations Administrative Tribunal for a four-year term of office beginning on 1 January 2005 (decision 59/410).

B. Composition of the Tribunal during 2004

3. In 2004, the Tribunal was composed of the following members:

Mr. Julio Barboza, President
Mr. Kevin Haugh, First Vice-President
Ms. Brigitte Stern, Second Vice-President
Mr. Omer Yousif Bireedo
Mr. Spyridon Flogaitis
Ms. Jacqueline R. Scott
Mr. Dayendra Sena Wijewardane

C. Fifty-fifth plenary session

4. The Tribunal met in annual plenary session in New York on 23 November 2004, pursuant to article 5, paragraph 1, of its rules. All members were present.

D. Judgements delivered during 2004

5. In 2004, the Tribunal held two sessions, one in Geneva from 21 June to 23 July and one in New York from 25 October to 24 November. The composition of the panels and the corresponding judgements rendered are as follows:

Case No. 1001: Al-Ansari
Case No. 1004: Zarra & Khalili
Case No. 1005: Abdul Halim et al.
Case No. 1015: Abdulhadi et al.
Case No. 1067: Abu-Ali
Case No. 1072: Idriss

(Al-Ansari, Zarra & Khalili, Abdul Halim et al., Abdulhadi et al., Abu-Ali and Idriss against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Request by UNRWA staff members for revision of Judgement Nos. 926, 927, 928, 929, 983, 984 and 1014)
Judgement No. 1164

Geneva, 22 June to 23 July 2004

Mr. Barboza, President
Mr. Haugh
Ms. Stern

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Case No. 1125: Meron
Case No. 1253: Meron

(Meron against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member for rescission of decision not to pay disability benefit)
Judgement No. 1197

Geneva, 24 June to 23 July 2004

Ms. Stern, presiding
Mr. Flogaitis
Ms. Scott

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Case No. 1146: Shehabi

(Shehabi against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Request by UNRWA staff member for revision of Judgement No. 1076)
Judgement No. 1165

Geneva, 22 June to 23 July 2004

Mr. Haugh, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1176: Wu

(Wu against the Secretary-General of the United Nations)
(Request by UNOG staff member for revision of Judgement No. 1085)
Judgement No. 1166

Geneva, 22 June to 23 July 2004

Mr. Haugh, presiding
Ms. Scott
Mr. Wijewardane

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Case No. 1232: Olenja
Case No. 1279: Olenja

(Olenja against the Secretary-General of the United Nations)
(Claims by former UNFPA staff member for rescission of decision to place him on special leave with full pay (SLWFP) and for within-grade salary increments while on SLWFP; and for rescission of decision to reprimand him and for removal of documents from his official status file. Claim for recission of decision to separate him from service for misconduct)
Judgement No. 1167

Geneva, 5 to 23 July 2004

Ms. Stern, presiding
Mr. Bireedo
Mr. Flogaitis

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Case No. 1251: Tankov

(Tankov against the Secretary-General of the United Nations)
(Claim by staff member for improper denial of career appointment)
Judgement No. 1168

Geneva, 23 June to 23 July 2004

Mr. Haugh, presiding
Ms. Stern
Ms. Scott

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Case No. 1256: Abebe

(Abebe against the Secretary-General of the United Nations)
(Claim by ECA staff member for rescission of decision not to consider her for appointment at the Professional level)
Judgement No. 1169

New York, 21 October to 20 November 2003
Geneva, 23 June to 23 July 2004

Mr. Barboza, President
Mr. Bireedo
Ms. Scott

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Case No. 1262: Lejeune

(Lejeune against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member for rescission of decision not to renew his fixed-term appointment)
Judgement No. 1170

Geneva, 24 June to 23 July 2004

Mr. Barboza, President
Mr. Bireedo
Mr. Flogaitis

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Case No. 1263: Mungai

(Mungai against the Secretary-General of the United Nations)
(Claim by UNCHS (Habitat) staff member for retroactive implementation of his promotion)
Judgement No. 1171

Geneva, 24 June to 23 July 2004

Mr. Haugh, pre iding
Ms. Scott
Mr. Wijewardane

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Case No. 1264: Ly

(Ly against the Secretary-General of the United Nations)
(Request by former UNDP staff member for reinstatement in service and assignment to appropriate post)
Judgement No. 1172

Geneva, 25 June to 23 July 2004

Mr. Barboza, President
Ms. Scott
Mr. Wijewardane

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Case No. 1265: Guerrero

(Guerrero against the Secretary-General of the United Nations)
(Claim by former UNEP staff member for rescission of decision not to renew his fixed-term appointment)
Judgement No. 1173

Geneva, 29 June to 23 July 2004

Mr. Barboza, President
Mr. Bireedo
Mr. Flogaitis

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Case No. 1266: Zlatar

(Zlatar against the Secretary-General of the United Nations)
(Request by ECLAC staff member for reclassification of post as Professional and retroactive promotion)
Judgement No. 1174

Geneva, 23 June to 23 July 2004

Ms. Stern, presiding
Ms. Scott
Mr. Wijewardane

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Case No. 1267: Ikegame

(Ikegame against the Secretary-General of the United Nations)
(Claims by United Nations staff member for rescission of decision to demote and censure her; and for removal of adverse material from her file)
Judgement No. 1175

Geneva, 25 June to 23 July 2004

Mr. Haugh, presiding
Ms. Scott
Mr. Wijewardane

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Case No. 1268: Parra

(Parra against the Secretary-General of the United Nations)
(Claim by former UNHCHR staff member for rescission of decision not to renew his fixed-term appointment)
Judgement No. 1176

Geneva, 25 June to 23 July 2004

Ms. Stern, presiding
Mr. Bireedo
Mr. Flogaitis

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Case No. 1269: Van Eeden

(Van Eeden against the Secretary-General of the United Nations)
(Claim by former UNDP staff member for rescission of decision not to renew her fixed-term appointment)
Judgement No. 1177

Geneva, 28 June to 23 July 2004

Ms. Stern, presiding
Mr. Bireedo
Mr. Flogaitis

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Case No. 1270: Shao

(Shao against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for adequate compensation for violation of his rights)
Judgement No. 1178

Geneva, 2 to 23 July 2004

Mr. Haugh, presiding
Ms. Stern
Mr. Wijewardane

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Case No. 1271: Dua

(Dua against the Secretary-General of the United Nations)
(Claim by former WFP staff member for increased "separation indemnity" following agreed termination, under new administrative issuance)
Judgement No. 1179

Geneva, 6 to 23 July 2004

Mr. Barboza, President
Mr. Haugh
Mr. Wijewardane

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Case No. 1273: Kazeze

(Kazeze against the Secretary-General of the United Nations)
(Claim by ECA staff member for rescission of decision not to promote him to the P-5 level)
Judgement No. 1180

Geneva, 24 June to 23 July 2004

Ms. Stern, presiding
Mr. Bireedo
Mr. Wijewardane

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Case No. 1274: Abu-Kashef

(Abu-Kashef against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of decision to terminate his services in the interest of the Agency)
Judgement No. 1181

Geneva, 28 June to 23 July 2004

Mr. Haugh, presiding
Ms. Stern
Ms. Scott

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Case No. 1275: Njuki

(Njuki against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision to separate him from service for misconduct)
Judgement No. 1182

Geneva, 30 June to 23 July 2004

Ms. Stern, presiding
Mr. Flogaitis
Mr. Wijewardane

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Case No. 1276: Adrian

(Adrian against the Secretary-General of the United Nations)
(Claim by UNCHS (Habitat) staff member for rescission of decision not to recognize his same-gender partner as a dependant)
Judgement No. 1183

Geneva, 1 to 23 July 2004

Mr. Barboza, President
Ms. Stern
Ms. Scott

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Case No. 1277: Vidal

(Vidal against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to extend his fixed-term contract)
Judgement No. 1184

Geneva, 2 to 23 July 2004

Mr. Haugh, presiding
Ms. Scott
Mr. Wijewardane

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Case No. 1278: van Leeuwen

(van Leeuwen against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member for rescission of decision denying him reimbursement of United States tax imposed on his lump-sum UNJSPF withdrawal)
Judgement No. 1185

Geneva, 1 to 23 July 2004

Mr. Barboza, President
Mr. Flogaitis
Ms. Scott

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Case No. 1280: Aouali

(Aouali against the United Nations Joint Pension Board)
(Claim by former UNOG staff member for rescission of decision by UNJSPF denying him disability benefits)
Judgement No. 1186

Geneva, 21 June to 23 July 2004

Mr. Barboza, President
Ms. Stern
Mr. Flogaitis

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Case No. 1281: Igwebe

(Igwebe against the Secretary-General of the United Nations)
(Claim by former ECA staff member for rescission of decision to separate her from service for misconduct)
Judgement No. 1187

Geneva, 1 to 23 July 2004

Mr. Barboza, President
Mr. Haugh
Mr. Bireedo

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Case No. 1283: Agbele

(Agbele against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of decision not to promote him to the FS-5 level)
Judgement No. 1188

Geneva, 30 June to 23 July 2004

Mr. Haugh, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1284: Bogusz

(Bogusz against the Secretary-General of the United Nations)
(Claims by former United Nations staff member for compensation for not giving her full and fair consideration for a P-5 post; and for harassment and prejudicial treatment)
Judgement No. 1189

Geneva, 22 June to 23 July 2004

Mr. Haugh, presiding
Mr. Bireedo
Mr. Wijewardane

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Case No. 1285: Sirois

(Sirois against the Secretary-General of the United Nations)
(Claim by former staff member of the International Criminal Tribunal for Rwanda for compensation for violation of his due process rights in connection with the rebuttal of his performance evaluation report)
Judgement No. 1190

Geneva, 2 to 23 July 2004

Mr. Barboza, President
Ms. Stern
Mr. Flogaitis

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Case No. 1286: Aertgeerts

(Aertgeerts against the Secretary-General of the United Nations)
(Claim by former UNDP/UNOPS staff member for rescission of decision not to renew his fixed-term contract)
Judgement No. 1191

Geneva, 2 to 23 July 2004

Mr. Barboza, President
Mr. Bireedo
Mr. Flogaitis

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Case No. 1287: Mbarushimana

(Mbarushimana against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to extend his appointment of limited duration)
Judgement No. 1192

Geneva, 1 to 23 July 2004

Ms. Stern, presiding
Mr. Bireedo
Mr. Flogaitis

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Case No. 1288: Chow

(Chow against the Secretary-General of the United Nations)
(Claims by United Nations staff member for rescission of decision not to promote her to the P-5 level; and for compensation for harassment and discrimination)
Judgement No. 1193

Geneva, 1 to 23 July 2004

Mr. Haugh, presiding
Mr. Bireedo
Mr. Wijewardane

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Case No. 1289: Haile

(Haile against the Secretary-General of the United Nations)
(Claims by former UNICEF staff member for greater compensation than awarded for UNICEF's failure to maintain proper work environment; and for not taking steps to prevent gender-based harassment)
Judgement No. 1194

Geneva, 5 to 23 July 2004

Mr. Barboza, President
Mr. Bireedo
Mr. Wijewardane

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Case No. 1290: Newton

(Newton against the Secretary-General of the United Nations)
(Claim by former UNEP staff member for rescission of decision to reject the JAB recommendation to pay him $2,000 in compensation for mishandling of his case)
Judgement No. 1195

Geneva, 26 June to 23 July 2004

Mr. Barboza, President
Mr. Flogaitis
Mr. Wijewardane

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Case No. 1291: Maia-Sampaio

(Maia-Sampaio against the Secretary-General of the United Nations)
(Claims by former United Nations staff member for rescission of decision not to promote her to the P-5 level; and for compensation for undue delays)
Judgement No. 1196

Geneva, 4 to 23 July 2004

Mr. Barboza, President
Mr. Flogaitis
Mr. Wijewardane

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Case No. 1087: Massi
Case No. 1088: Massi
Case No. 1142: Massi

(Massi against the Secretary-General of the United Nations)
(Request by staff member for revision of Judgement No. 1065)
Judgement No. 1198

New York, 27 October to 24 November 2004

Ms. Stern, presiding
Mr. Bireedo
Mr. Wijewardane

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Case No. 1156: Obiny

(Obiny against the Secretary-General of the United Nations)
(Request by UNDP staff member for revision of Judgement No. 1045)
Judgement No. 1199

New York, 4 to 24 November 2004

Mr. Barboza, President
Mr. Bireedo
Mr. Flogaitis

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Case No. 1182: Fayache
Case No. 1186: Fayache
Case No. 1187: Fayache
Case No. 1188: Fayache
Case No. 1190: Fayache
Case No. 1191: Fayache

(Fayache against the Secretary-General of the United Nations)
(Request by United Nations staff member for revision of Judgement No. 1086)
Judgement No. 1200

New York, 26 October to 24 November 2004

Mr. Haugh, presiding
Mr. Bireedo
Mr. Flogaitis

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Case No. 1185: Berg

(Berg against the Secretary-General of the United Nations)
(Request by United Nations staff member for revision of Judgement No. 1090)
Judgement No. 1201

New York, 26 October to 24 November 2004

Ms. Stern, presiding
Ms. Scott
Mr. Wijewardane

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Case No. 1189: Khader

(Khader against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Request by former UNRWA staff member for revision of Judgement No. 1088)
Judgement No. 1202

New York, 27 October to 24 November 2004

Mr. Barboza, President
Mr. Haugh
Ms. Scott

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Case No. 1248: Hjelmqvist

(Hjelmqvist against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision denying the reimbursement of his medical bills)
Judgement No. 1203

New York, 28 October to 24 November 2004

Ms. Stern, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1272: Durand

(Durand against the Secretary-General of the United Nations)
(Claims by heirs of a deceased United Nations staff member for rescission of decision to refuse compensation to the heirs of the Estate for her wrongful death; inordinate delays; and ill-treatment of the heirs of the Estate)
Judgement No. 1204

Geneva, 29 June to 23 July 2004
New York, 3 to 24 November 2004

Mr. Haugh, presiding
Ms. Stern
Ms. Scott

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Case No. 1282: Alaj et al.

(Alaj et al. against the Secretary-General of the United Nations)
(Claim by UNHCR staff members and former staff members for rescission of decision to impose a new salary scale for locally recruited staff in Kosovo)
Judgement No. 1205

Geneva, 30 June to 23 July 2004
New York, 27 October to 24 November 2004

Mr. Barboza, President
Ms. Scott
Mr. Bireedo

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Case No. 1292: Scott

(Scott against the Secretary-General of the United Nations)
(Claims by staff member of the International Criminal Tribunal for the Former Yugoslavia (ICTY) for rescission of decision not to place him on a higher step within the P-4 level at the time of initial employment; and for unreasonable delay in the proceedings)
Judgement No. 1206

New York, 28 October to 24 November 2004

Mr. Haugh, presiding
Mr. Bireedo
Mr. Flogaitis

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Case No. 1293: Di Filippo
Case No. 1294: Di Filippo

(Di Filippo against the Secretary-General of the United Nations)
(Claims by former UNDP staff member for rescission of decision not to renew his contract; and not to pay him greater relocation grant)
Judgement No. 1207

New York, 29 October to 24 November 2004

Mr. Barboza, President
Mr. Flogaitis
Mr. Wijewardane

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Case No. 1295: Hanna

(Hanna against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to renew his fixed-term contract)
Judgement No. 1208

New York, 28 October to 24 November 2004

Mr. Barboza, President
Ms. Stern
Mr. Wijewardane

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Case No. 1296: El-Ansary

(El-Ansary against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to promote him to the P-5 level)
Judgement No. 1209

New York, 4 to 24 November 2004

Mr. Haugh, presiding
Mr. Flogaitis
Ms. Scott

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Case No. 1297: Tekolla

(Tekolla against the Secretary-General of the United Nations)
(Claims by former ECA staff member for rescission of decision to grant him special post allowance (SPA) at the P-4 and not the P-5 level; and to grant him SPA for the entire period during which he assumed the higher-level post)
Judgement No. 1210

New York, 1 to 24 November 2004

Mr. Haugh, presiding
Mr. Flogaitis
Mr. Wijewardane

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Case No. 1300: Muigai
Case No. 1314: Muigai

(Muigai against the Secretary-General of the United Nations)
(Claims by UNEP staff member for rescission of decision not to grant her 76.5 days accrued annual leave; and for rescission of decision not to award her compensation for the violation of her rights in summarily dismissing her, reinstating her and placing her on SLWFP for an extended period)
Judgement No. 1211

New York, 9 to 24 November 2004

Mr. Haugh, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1301: Stouffs

(Stouffs against the Secretary-General of the United Nations)
(Claim by former UNOG staff member for rescission of decision not to grant her payment of annual leave beyond 60 days, in accordance with the rules governing annual leave for language teachers)
Judgement No. 1212

New York, 29 October to 24 November 2004

Ms. Stern, presiding
Mr. Bireedo
Mr. Wijewardane

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Case No. 1302: Wyss

(Wyss against the Secretary-General of the United Nations)
(Claim by UNHCR staff member against the implementation of the New Policy Rules, which effectively cancelled important distinctions between holders of "old" indefinite appointments and holders of "new" indefinite appointments, potentially risking the Applicant's job security)
Judgement No. 1213

New York, 1 to 24 November 2004

Mr. Barboza, President
Ms. Stern
Mr. Wijewardane

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Case No. 1303: Sam-Thambiah

(Sam-Thambiah against the Secretary-General of the United Nations)
(Claim by former staff member of the International Seabed Authority for rescission of decision to terminate his appointment for unsatisfactory service)
Judgement No. 1214

New York, 5 to 24 November 2004

Mr. Barboza, President
Mr. Haugh
Ms. Scott

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Case No. 1305: Ngwingte

(Ngwingte against the Secretary-General of the International Maritime Organization (IMO))
(Claims by IMO staff member of rescission of decision not to refer her case to the Advisory Board on Compensation Claims for determination of her injury as work-related; and for compensation for undue delays, particularly in referring her case to a joint appeals board)
Judgement No. 1215

New York, 3 to 24 November 2004

Ms. Stern, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1307: Reddy

(Reddy against the Secretary-General of the United Nations)
(Claims by former OHCHR staff member for rescission of the decisions to transfer her to Cambodia; and not to extend her fixed-term contract)
Judgement No. 1216

New York, 2 to 24 November 2004

Ms. Stern, presiding
Mr. Bireedo
Mr. Wijewardane

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Case No. 1308: Loriot

(Loriot against the Secretary-General of the United Nations)
(Claims by former UNDP staff member for compensation for denial of justice, for being subjected to mental duress, misuse of procedure and maladministration; and for non-selection for the D-1 post of Director, Office of Legal and Procurement Support)
Judgement No. 1217

New York, 2 to 24 November 2004

Mr. Barboza, President
Ms. Stern
Mr. Flogaitis

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Case No. 1310: Facchin

(Facchin against the Secretary-General of the United Nations)
(Claim by former UNOG staff member for rescission of the decision that her case was time-barred and res judicata)
Judgement No. 1218

New York, 3 to 24 November 2004

Mr. Barboza, President
Mr. Bireedo
Mr. Flogaitis

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Case No. 1311: Grossman

(Grossman against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of decision to recover overpayment of Mission Subsistence Allowance)
Judgement No. 1219

New York, 4 to 24 November 2004

Ms. Stern, presiding
Mr. Flogaitis
Mr. Wijewardane

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Case No. 1312: Araim

(Araim against the Secretary-General of the United Nations)
(Claims by former United Nations staff member to endorse the conclusions of the Joint Appeals Board (JAB); and to pay him for compensation for the repeated violation of his rights)
Judgement No. 1220

New York, 29 October to 24 November 2004

Mr. Barboza, President
Mr. Flogaitis
Ms. Scott

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Case No. 1317: Sharma

(Sharma against the Secretary-General of the United Nations)
(Claims by United Nations staff member for rescission of the decision accepting the JAB conclusion that his case was not receivable; and for nullifying his performance appraisal system (PAS) report for the period 1 April 1997 to 31 March 1998, as it was prepared in violation of his right to a fair evaluation)
Judgement No. 1221

New York, 3 to 24 November 2004

Mr. Barboza, President
Mr. Haugh
Ms. Stern

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Case No. 1318: Othigo

(Othigo against the Secretary-General of the United Nations)
(Claim by former staff member of the United Nations Office at Nairobi for rescission of the decision to separate him from service for misconduct)
Judgement No. 1222

New York, 2 to 24 November 2004

Mr. Haugh, presiding
Mr. Bireedo
Mr. Flogaitis

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